

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 4, 2000**

The one thousand eight hundred and thirty-sixth meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Jeff Marshall
Mary King

Larry Lancaster

Also present:

Dan Bartlett,
City Manager
Tim Ramis,
City Attorney
Charlene Richards,
Assistant City Manager

Martha Bennett,
Assistant City Manager
Sue Stepan,
Public Works Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS AND AWARDS

Arbor Day Proclamation

Mayor Tomei read a proclamation naming April 4, 2000, as the 128th Anniversary Celebration of Arbor Day.

CONSENT AGENDA

Councilor King wished to amend the minutes under "Other Business."

It was moved by Councilor King and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of the following:

- 1. Purchase Public Works Vehicle**
- 2. Purchase Public Works Generator**

Motion passed unanimously.

AUDIENCE PARTICIPATION

Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie. He referred to the April *Pilot* article on the South Corridor Study and a November 1999 memo from a high-ranking Milwaukie staff person to Metro regarding the Regional Transportation Plan (RTP). He read a portion the memo regarding the appropriateness of light

rail and the continued need for high capacity transit. These remarks had to do with Hwy. 99E. Seventeen months ago, light rail was voted down, and Zumwalt asked why the City Council instructed staff to court Metro for light rail.

Councilor Marshall took exception to the accusation that Council directed staff to prepare the correspondence.

Zumwalt assumed that City Council was responsible for making policy and directing staff.

Bartlett explained that City Council directs staff to carry out policy. The memo Zumwalt referred to related to a staff-level technical review of a Metro document. There is a contract between Metro and the local jurisdictions it encompasses to have staff involved in the various technical committees. The memo Zumwalt referred to was a comment on the language of that Metro document as it relates to Milwaukie's place in the region.

Zumwalt said it would seem that voters who defeated light rail do not want Milwaukie to court Metro and light rail.

Councilor Marshall discussed the five levels of government above local government that set rules and establish mandates. Milwaukie has to abide by several levels of rules through participation and reacting to requests.

Bartlett questioned if citizens would like documents like the RTP to go out without local review. He suggested that interested persons read the actual document for which the response was prepared.

Councilor King said this discussion shows the importance of communication. She cautioned people against taking comments out of context and reading more into statements about issues that frighten them.

Councilor Lancaster agreed that communication is both a critical and complicated issue.

Richard Cayo, 4203 SE Johnson Creek Boulevard. He read the Neighborhood Vision Statements and found 20 errors, and he suggested that City staff should improve the quality of its written material. He understood that the City wanted to turn the boat ramp parking lot into a park. He was concerned about removing that much parking area and eliminating emergency access to the water. He wanted to be informed as to why the taxpayers, who already purchased the Jr. High property once, would be expected to purchase it again.

Councilor Marshall said the City does not own the Jr. High site; it is owned by the School District.

Mart Hughes, 3006 SE Washington Street, Milwaukie. He discussed an issue that was corroding the neighborhood's quality of life. There is an abandoned or stolen car near his home. Although the car has no plates, a punched ignition, no radiator, and is parked in front of the stop sign, dispatch had not given it the level of attention Hughes believed it deserved. The shift sergeant did contact him after making several phone calls to City staff. He asked the City Council to monitor this for him and suggested there might be a policy problem regarding response. This is clearly an abandoned vehicle, so why does there have to be a 48-hour waiting period?

Annaliese Sommers discussed the upcoming ballot initiative on the Oregon Comprehensive Health Care Finance Act. She hoped that people would consider this crucial decision on health care, insurance, and pharmaceutical costs.

Harold Christie, 7735 SE Cypress, Master of Milwaukie Grange 268. He supported the City's purchasing the Jr. High site as a youth and community center to address such community issues as vandalism. He felt citizens would support the purchase for the long-term benefits.

Lillie Moore, 4001 SE Johnson Creek Boulevard. She was in favor of light rail because it serves the needs of both older people who will not drive and younger couples who cannot afford cars. She felt the City Council was doing a great job and suggested that those who do not agree should walk in the Council's shoes for a while. Not everyone can be satisfied, and Milwaukie residents are getting a reputation for being complainers. If they do not like the policy makers' decisions, they throw them out of office. At one point, there were so many elections, Councilors did not get an opportunity to understand their jobs. She recommended saving money by not having all of these elections. Although she does not agree with all of the Council's decisions, she feels citizens' concerns are heard. Moore discussed her experience with Portland's Eastmoreland neighborhood and the Johnson Creek Boulevard improvements. Portland is much more powerful, and Milwaukie simply does not have the clout. As a Johnson Creek Boulevard resident, she is unhappy about some of the improvements, but people need a place to drive. If residents want to get mad at someone, they should get mad at the City of Portland. She did believe the improvements were needed for pedestrian and bike uses. She urged residents not to sign the recall petition.

Bonnie Petty, Kids First. She understood from comments made by Mayor Tomei at a recent meeting that a \$6 million bond measure for the Jr. High site of might be realistic. At the Budget Committee meeting, however, the bond amount was presented at \$12 million. She wanted to know why there was a discrepancy. In addition, she asked how much was budgeted for the riverfront phase 1 project.

Bartlett said the \$12 million figure was greater than what would probably be needed. The riverfront phase 1 project was part of the \$321,000 Parks and Recreation fund which the Budget Committee will be reviewed on April 20.

Petty understood that the School District needed to sell the property, and it is also important for the City to try to purchase it. She asked the amount of Crandall's contract in 2000.

Bartlett said the amount paid to Crandall is in the project budget.

Petty asked when Kappa's seat would be filled.

Mayor Tomei responded that Council would discuss that later in the agenda.

Bartlett announced the upcoming Budget Committee meetings.

Lou Casale, 2916 SE Monroe Street. He asked if those five entities above Milwaukie can tell it what to do.

Councilor Marshall responded "yes."

Casale asked if that also meant someone can tell us what to do about light rail.

Ramis said the short answer was "yes." Everyone has the opportunity to vote for its Metro representative and attend public meetings.

Mayor Tomei explained that the last light rail measure had to do with the funding package. At an earlier election, light rail passed by the voters.

Bartlett added that the state of Washington had voted down its portion of the bond, therefore, it came up for a re-vote. Regional policy makers continue to identify light rail as the transportation device of choice in the 2040 Plan and the Regional Transportation Plan. The segment to the airport is being funded, but the leg to Milwaukie may never be built.

Mayor Tomei commented that light rail is not in the foreseeable future in any plans to which she has had access.

OTHER BUSINESS

Memorandum of Understanding for Intertie with Portland Water Bureau

Stepan discussed the regional strategy among water providers. She reviewed the history of the previous intertie with the City of Portland and the current Johnson Creek Boulevard mainline project. The action requested would be to

authorize the City Manager to sign a memo of understanding (MOU) that documents each city's understanding of the intertie design and the manner in which the engineering design consultant will be paid. The design work can continue while the intergovernmental agreement (IGA) negotiations are carried out. The second request was for Council to authorize the City Manager to sign a professional services agreement with Murray, Smith & Associates for final design, bid documents, and construction services for the intertie in the amount of \$29,950.

Councilor Lancaster asked why Milwaukie's share was 61%.

Stepan said the intertie is a series of pipes, connections, fittings, and valves. The percentages represent those portions of the project that are dedicated to Milwaukie's use and what portions are shared. Portland's pressure is higher, so Milwaukie will be responsible for those costs related to regulatory facilities.

Councilor Lancaster asked if it would be appropriate to get an MOU from Portland Parks Bureau.

Stepan said the project is located in the Springwater Corridor, and the IGA will likely clarify any ownership issues.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to authorize the City Manager to sign a memorandum of understanding (MOU) with the City of Portland for the Portland/Milwaukie Backup/Standby Connection for the water system. Motion passed unanimously.

It was moved by Councilor King and seconded by Councilor Lancaster to authorize the City Manager to sign a professional services contract with Murray, Smith & Associates (MSA) for \$29,950 for the final design, bid documents, and construction services for the intertie. Motion passed unanimously.

Discuss Process to Fill Council Vacancy

Rob Kappa's resignation became effective on March 22, 2000. **Ramis** outlined the process based on the City's Charter: appoint an interim Councilor to fill the vacancy until an election can be held; hold an election to fill the remainder of the unexpired term; and hold an election to fill the position at the end of the term. The vacancy appointment is made by a majority of the Council. The election to fill the remainder of the term would be held on September 19, 2000, and the election to fill the position at the end of the term will be at the November 2000 General Election. The Charter stipulates that an election must be held within 60 days upon the occurrence of a vacancy, but it does not stipulate how that vacancy is filled in the interim.

The group agreed to hold interviews on Saturday, April 15, 2000, beginning at 8:30 a.m. at Milwaukie City Hall. These interviews will be open to the public and televised.

Small-Scale Energy Loan Program

Bennett requested that the City Council authorize the City Manager to sign documents required to execute a Small Scale Energy Loan from the Oregon Department of Energy. The loan is in the amount of \$66,000 and will include purchasing, installing, and painting 38 windows at City Hall.

Councilor Lancaster noted the ten year repayment period and asked the estimated recovery rate.

Bartlett said the payment is normally calculated on the amount of the cost benefit. He recommended approving the proposed term and then paying off the loan early if feasible.

Councilor King said it was her experience with the School District that these types of energy projects pay for themselves.

Bartlett noted that the City gets energy credits for the City Hall lighting system.

Councilor Lancaster noted all of the different colors of paint on the building and hoped there could only be one.

Bartlett said the Historic Resources Commission identified beige as the original color, but the roof cap is a baked, white finish.

Councilor Marshall understood the windows would be wood to be historically authentic, and hence the expense.

It was Councilor Marshall and seconded by Councilor Lancaster to authorize the city manager to adopt the resolution authorizing the all documents required to execute the loan. Motion passed unanimously.

RESOLUTION NO. 10-2000:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS REQUIRED TO EXECUTE A SMALL SCALE ENERGY LOAN FROM THE OREGON DEPARTMENT OF ENERGY.

City Council Minutes

Councilor King pointed out several corrections to page one of the draft minutes.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adopt the minutes as amended. Motion passed unanimously.

Other

Councilor Marshall suggested that the Traffic Safety Board (TSB) be directed to look at truck traffic on Washington Street and prepare an analysis and proposal. The City Council had discussed ad hoc committees to target certain problem areas and develop possible solutions with certain time periods. He felt this would be a good project for the TSB.

Bartlett added that the TSB had also been directed to work with Lewelling School on the School Trip Safety Plan. He had data from an earlier Lancaster report regarding Washington Street that he would provide Council. He further suggested the TSB finalize the safety helmet project it has undertaken with the Fire Districts. It may be time to refocus and hold a work session with the Board.

Councilor Lancaster was concerned that too many projects were being undertaken. He felt the Transit Center project and the Jr. High site were the most important right now, and perhaps some of the other goals and objectives could be deferred for a short period of time. He recommended looking at how resources were being allocated.

Councilor Marshall concurred. He was not opposed to taking some time to evaluation the Council goals. He believed citizens want to hear what their policy makers think. He recommended the Council proactively look ahead at possible citizen issues and have the policy-maker statements prepared in advance.

Councilor King said that thought was well taken. She wanted to go on record that the City Council does not support high density on the Jr. High site. She felt it was destined to be a community center, and funding needs to be identified.

Mayor Tomei agreed it was her wish to purchase the property and maintain the fields and not develop housing. The City Council wants the property, but citizens need to show they support and will fund the project.

Bartlett announced an executive session pursuant to ORS 192.660 to discuss a City franchise and other legal matters.

ADJOURNMENT

It was moved by Councilor Marshall and seconded by Councilor King to adjourn the meeting. Motion passed unanimously.

Mayor Tomei adjourned the meeting at 7:32 p.m.

Pat DuVal, Recorder